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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,852	06/14/2006	Keisuke Onishi	062665	6946

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EXAMINER
OBAYANJU, OMONIYI

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
07/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/582,852	ONISHI ET AL.	
	Examiner	Art Unit	
	OMONIYI A. OBAYANJU	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,5,7,8,10,11,13 and 14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,5,7,8,10,11,13 and 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *07/29/2008, 03/06/2008, 06/14/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 04/29/2009 have been fully considered but they are not persuasive.

Applicant argues that Takamaya does not disclose or suggest "downloading content" and storing downloadable content. Also, applicant argues and/or seems to point out differences between Takamaya's application and the present application based on the invention's specification, but not specifically directed to the **claimed invention i.e. the rejected claim limitations.** Applicant further argues that "Takayama does not disclose or suggest a structure having a content guide information that makes the content have relation to an area where the content is allowed downloading, **as disclosed in the present application**".

In response, examiner respectfully disagrees with applicant's argument. At the outset, the claim does not uniquely and particularly define the term "downloading content" so as to distinguish from the applied prior art. During patent examination, the claims must be given their broadest reasonable interpretation. See also MPEP §2111. The term "**downloading content**" is broadly claimed, therefore, broadly interpreted. Broadly interpreted, "**downloading content**" is fairly characterized as receiving/providing any type of content/information/services from a server. Takamaya discloses providing

services to the mobile station through the base station (pg. 4, pp0094, pp0099, pp0113, and pg. 2, pp0048-pp0052). As discussed above, "contents" as been fairly characterized as information or services. Therefore, Takamaya teaches service database (storage) which inherently stores service information in association with the service program (fig.1, #1, fig. 2, #25, and respective description throughout the specification).

Also, in response to applicant's argument that the reference fails to disclose or suggest or show certain features of applicant's invention, it is noted that the features upon which applicant relies

> (i.e., "a structure having a content guide information that makes the content have relation to an area where the content is allowed downloading, **as disclosed in the present application"**
>
> and/or
>
> "According to the above, there are the following differences between Takayama and the present invention. Takayama's invention is to store the various service programs and the area where each of service programs is allowed executing, with relevancy to each other. The present invention is to store the various contents and the area where each of the contents is allowed downloading, with relevancy to each other. **Therefore, in Takayama, if the mobile station terminal receives the service within the area where the requesting service program is allowed executing and then goes outside of the area, the mobile station becomes to be unable to receive the same service any longer. However, in this invention, even if the mobile terminal downloads the content within the area where the requesting content is allowed downloading and then goes outside of the area, it is possible to regenerate the downloaded content and to make use of the content regardless of the area where the mobile terminal is located**".)

are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not

read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner's Note: Examiner has cited particular columns/paragraphs and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. **SEE MPEP 2141.02 [R-5] VI. PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS**: A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7, 8, 10, 11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Takayama et al. (US Publication No. 20010019960).

As to **claims 1, 4, 7, 10, 13,** Takamaya teaches an information distribution system comprising: an information distribution server (service system, fig. 2, #11) and a mobile terminal (fig. 2), where the information distribution server (fig. 2, #11) is equipped with a content database that associates and memorizes content downloadable (service program) to the mobile terminal, or content data indicating the registration location of such content, and area information indicating the specific area to which such content may be downloaded by the mobile terminal (fig. 2, #25, and pg. 2, pp0040, lines 1-3); and where the information distribution server is equipped with: a content guide information distribution means that transmits guide information to the mobile terminal on the content downloadable by the mobile terminal (pg. 2, pp0049-50 lines 1-7); a distribution request reception means that receives content distribution requests from the mobile

terminal (fig. 2, #22, and pg. 3, pp0075-0077, receives service selection from mobile terminal); a position judgment means that determines the position of the mobile terminal (fig. 2, #23, and pg. 3, pp0079 lines 1-5); and a distribution enabled/disabled decision means that checks the position of the mobile terminal determined by the position judgment means against the area information associated with the content whose distribution is requested (pg. 3, pp0079 lines 1-5), and decides whether to distribute the content data in question (pg. 3, pp0080, lines 1-10); and where the mobile terminal is equipped with: a position information transmission means that sends information on the current position of the mobile terminal to the information distribution server; and a distribution request means that makes distribution requests to the information distribution server (pg. 3, pp0075, lines 1-7, mobile station sends service selection information) and selects content to be downloaded according to the content guide information distributed by the information distribution server (pg. 2, pp0049-50 lines 1-7); and the system is configured in such manner that if the area information associated with the content whose distribution is requested matches the position of the mobile terminal, the information distribution server distributes the content data in question to the mobile terminal (pg. 2, pp0041, lines 1-8).

As to **claims 2, 5, 8, 11, 14,** Takamaya teaches wherein the position information transmission means comprises a current position detection means and a current position information transmission means that transmits current

position information generated by the current position detection means (pg. 3, pp0071, pp0073, lines 1-8), and wherein the position judgment means (area decision device) determines the current position of the mobile terminal according to current position information received from the mobile terminal in question (pg. 2, pp0041, lines 1-5).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMONIYI A. OBAYANJU whose telephone number is (571)270-5885. The examiner can normally be reached on Mon - Fri, 7:30 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. A. O./
Examiner, Art Unit 2617

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617